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| 10/763,862                                                                                                   | 01/22/2004  | Wen-Ping Ying        | CING-132                        | 8510                   |
| 39013 7590 08/24/2007<br>MOAZZAM & ASSOCIATES, LLC<br>7601 LEWINSVILLE ROAD<br>SUITE 304<br>MCLEAN, VA 22102 |             |                      | EXAMINER<br>MIRZADEGAN, SAEED S |                        |
|                                                                                                              |             |                      | ART UNIT<br>2144                | PAPER NUMBER           |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/763,862

Applicant(s)

YING ET AL.

Examiner

Saeed S. Mirzadegan

Art Unit

2144

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Priority***

1. Applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(e) or under 35 U.S.C. 120, 121, or 365(c) is acknowledged.

### ***Drawings***

2. The drawings are objected to because some of the components in drawings 1, 7 & 8 do not have labels and merely use numbers. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to because drawing 2 labels component 110 as a mobile device, where it should be labeled as a wireless device. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

#### ***Specification***

4. The disclosure is objected to because of the following informalities: Page 5, line 2 recites "EEPROMS"; it should read "EEPROMS (electrically erasable programmable read-only memory)".

Appropriate correction is required.

5. The disclosure is objected to because of the following informalities: Page 5, line 13-14 recites; "A mobile device 110 communicates wirelessly". Based on the definitions of Mobile devices and Wireless devices in Pages 1 and 2 of the disclosure, device 110 should be labeled as a wireless device. There are numerous places that component 110 is mislabeled as explained above.

Appropriate correction is required.

6. The disclosure is objected to because of the following informalities: on page 8, line 32, the recitation "into" is incorrect, it should read "with".

Appropriate correction is required.

7. The disclosure is objected to because of the following informalities: on Page 10, components 532 and 530 are transposed in numerous places.

Appropriate correction is required.

8. The disclosure is objected to because of the following informalities: on page 11, line 28, recitation "status 614" is incorrect. It should read "status".

Appropriate correction is required.

9. The disclosure is objected to because of the following informalities: Page 12, line 2, component (BTS) 726 is missing per Fig. 7.

Appropriate correction is required.

***Claim Objections***

10. **Claim 12** is objected to because of the following informalities: Page 18, line 2, recites "extraction of a International Mobile Equipment Identity". It should read "extraction of an International Mobile Equipment Identity".

Appropriate correction is required.

11. **Claim 19** is objected to because of the following informalities: Page 19, line 2; recites "Short Message Service Center (SMS-SC)". It should read "Short Message Service Center (SMSC)".

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

12. **Claim 19** recites the limitation "the device" in Page 9, line 9. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

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13. **Claim 19** is rejected under 35 U.S.C. 101 because The Claimed Invention is directed to a judicial exception to 35 U.S.C. 101 and is not directed to a practical application of such judicial exception because the invention as claimed does not produce a tangible result as set forth in MPEP 2106.

14. As written, applicant is claiming "the device identifier".

Software, per se:

The claims lack the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 USC 101. They are clearly not a series of steps or acts to be a process nor are they a combination of chemical compounds to be a composition of matter. As such, they fail to fall within a statutory category. They are, at best, functional descriptive material *per se*.

Descriptive material can be characterized as either "functional descriptive material" or "nonfunctional descriptive material." Both types of "descriptive material" are nonstatutory when claimed as descriptive material *per se*, 33 F.3d at 1360, 31 USPQ2d at 1759. When functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized. Compare *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994)

Merely claiming nonfunctional descriptive material, i.e., abstract ideas, stored on a computer-readable medium, in a computer, or on an electromagnetic carrier signal, does not make it statutory. See *Diehr*, 450 U.S. at 185-86, 209 USPQ at 8 (noting that the claims for an algorithm in *Benson* were unpatentable as abstract ideas because "the sole practical application of the algorithm was in connection with the programming of a general purpose computer.").

15. In order for software claims to be statutory, they must be claimed in combination with an appropriate medium and/or hardware to establish statutory category of invention and enable any functionality to be realized as set forth in MPEP 2106.01.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

16. **Claims 1, 2, 10-12** are rejected under 35 U.S.C. 102(e) as being anticipated by "Oommen et al." (US PG pub. No. 2003/0103484) hereafter "Oommen".

17. Regarding **Claim 1**, Oommen discloses a method comprising: receiving one of a Short Message Service, Enhanced Message Service, Multimedia Message Service, and SyncML message; extracting a device identifier from the message; and applying the device identifier to determine a device status (**Page 6, ¶0062**) **Using a SyncML, unique device identity as well as the capabilities of the device and device information are ascertained.**

18. Regarding **Claim 2**, Oommen discloses the method of claim 1, further comprising: extracting an International Mobile Equipment Identity from the message



**(Page 6, ¶0062) unique device identity as well as the capabilities of the device and device information are ascertained.**

19. Regarding **Claim 10**, Oommen discloses a network element comprising: logic to cause the processing of at least one of a Short Message Service, Enhanced Message Service, Multimedia Message Service, and SyncML message to extract a device identifier from the message, and to apply the device identifier to determine a device status; and at least one processor to execute at least some of the logic **(Page 6, ¶0062) the SyncML DM server, which being a server contains at least a processor capable of processing a SyncML message, performs the device management tasks by ascertaining the device information, the unique device identity as well as the capabilities of the device.**

20. Regarding **Claim 11**, Oommen discloses the network element of Claim 10, further comprising: logic to cause the setting of network access permissions for the device according to the device status **(Page 6, ¶0062) the SyncML DM server, is capable of processing a SyncML message, performs the device management tasks by ascertaining the device information, the unique device identity as well as the capabilities of the device.**

21. Regarding **Claim 12**, Oommen discloses the network element of Claim 10, further comprising: logic to cause the extraction of a International Mobile Equipment

Identity from the message (**Page 6, ¶0062**) the SyncML DM server, is capable of processing a SyncML message, performing the device management tasks by ascertaining the device information, the unique device identity as well as the capabilities of the device.

***Claim Rejections - 35 USC § 103***

22. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

23. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

- a. Determining the scope and contents of the prior art.
- b. Ascertaining the differences between the prior art and the claims at issue.
- c. Resolving the level of ordinary skill in the pertinent art.
- d. Considering objective evidence present in the application indicating obviousness or nonobviousness.

24. **Claims 19-23** are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al. (US PG Pub. No. 2005/0153741) hereafter "Chen" in view of Oommen.

25. Regarding **Claim 19** Chen discloses, a communication arrangement comprising: a Short Message Service Center (SMS-SC) (**Fig. 5, 517**) **SMSC**; a permissions facility

**(Fig. 5, 523) Service Management Module**; and a network element configured to receive a Short Message Service message via the SMS-SC **(Fig. 5, 519) SMSC GW**, apply the device identifier to locate device status information **(Fig. 7, 718 & ¶0057, lines 29-35) a server associating the received information with the device status**, and interact with the permissions facility to determine permissions to apply to service requests originating from the device **(Fig. 7, 716 & ¶0057, lines 25-28) a server associating the received information with service status**. However, Chen does not teach: extract a device identifier from the message.

26. In the same field of endeavor, Oommen teaches, **(Page 6, ¶0062) unique device identity as well as the capabilities of the device and device information is ascertained**.

27. It would have been obvious to one of ordinary skill in the networking art at the time the applicant's invention was made to combine Oommen's teachings of ascertaining the device identity, capabilities and information with the teachings of Chen, for the purpose of facilitating retrieval of mobile device configuration or capabilities **(see Oommen, ¶0002)**. Chen provides motivation to do so, by enabling a network to detect when a subscriber changes phones and uses the same subscriber identification (SIM) card as well as a subscriber using someone else's SIM card in their mobile handset **(see Chen, Page 1, ¶0008)**.

28. Regarding **Claim 20**, Chen and Oommen as applied to claim 19 above substantially disclose the invention as claimed. Chen further discloses: the network element further configured to extract a subscriber identifier from the message and apply the subscriber identifier to determine subscriber services. **(Fig, 7, 714, ¶0057) extracting the Subscriber Information from the message received message (IMSI), (Fig 6, ¶0047) subscriber registration and subscriber services are identified based on association of the IMSI and the service database IMEI is used to determine the status of the device in conjunction with the service database.**

29. Regarding **Claim 21**, Chen and Oommen as applied to claim 19 above substantially disclose the invention as claimed. However Chen does not explicitly teach: the network element further configured to extract an International Mobile Equipment Identity from the message.

30. In the same field of endeavor, Oommen teaches, **(Page 6, ¶0062) unique device identity as well as the capabilities of the device and device information is ascertained.**

31. It would have been obvious to one of ordinary skill in the networking art at the time the applicant's invention was made to combine Oommen's teachings of ascertaining the device unique identity with the teachings of Chen, for the purpose of facilitating retrieval of mobile device configuration or capabilities **(see Oommen,**

**¶0002).** Chen provides motivation to do so, by enabling a network to detect when a subscriber changes phones and uses the same subscriber identification (SIM) card as well as a subscriber using someone else's SIM card in their mobile handset (**see Chen, Page 1, ¶0008**).

32. Regarding **Claim 22**, Chen and Oommen as applied to claim 20 above substantially disclose the invention as claimed. However Chen does not explicitly teach: the network element further configured to extract at least one of International Mobile Equipment Identity and Integrated Circuit Card ID from the message.

33. In the same field of endeavor, Oommen teaches, (**Page 6, ¶0062**) **unique device identity as well as the capabilities of the device and device information is ascertained.**

34. It would have been obvious to one of ordinary skill in the networking art at the time the applicant's invention was made to combine Oommen's teachings of ascertaining the device unique identity with the teachings of Chen, for the purpose of facilitating retrieval of mobile device configuration or capabilities (**see Oommen, ¶0002**). Chen provides motivation to do so, by enabling a network to detect when a subscriber changes phones and uses the same subscriber identification (SIM) card as well as a subscriber using someone else's SIM card in their mobile handset (**see Chen, Page 1, ¶0008**).

35. Regarding **Claim 23**, Chen and Oommen as applied to claim 19 above substantially disclose the invention as claimed. Chen further discloses: the network element comprising a deny database, the deny database comprising device status information (**Fig. 5, 525 ¶0057**) **the device status is determined based on its identification and the information in service database.**

***Claim Rejections - 35 USC § 103***

36. **Claims 3, 4, 7-9, 13, 16-18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Oommen in view of Chen

37. Regarding **Claim 3**, Oommen as applied to claim 1 above substantially discloses the invention as claimed. However Oommen does not explicitly teach: setting network access permissions according to the device status for a device corresponding to the device identifier.

38. In the same field of endeavor, Chen teaches, (**Fig. 6, ¶0047**) **a server registering the mobile device according to the received information corresponding to the device identification.**

39. It would have been obvious to one of ordinary skill in the networking art at the time the applicant's invention was made to combine Chen's teachings of registering a mobile device according to the received information corresponding to the device identification with teachings of Oommen, for the purpose of enabling a network to detect

when a subscriber changes phones and uses the same subscriber identification (SIM) card as well as a subscriber using someone else's SIM card in their mobile handset **(see Chen, Page1, ¶0008)**. Oommen provides motivation to do so, by facilitating retrieval of mobile device configuration or capabilities **(see Oommen, ¶0002)**.

40. Regarding **Claim 4**, Oommen as applied to claim 1 above substantially discloses the invention as claimed. However Oommen does not explicitly teach: applying the device identifier to a deny database to determine the device status.

41. In the same field of endeavor, Chen teaches, **(Fig. 5, 525 ¶0057) the device status is determined based on its identification and the information in service database.**

42. It would have been obvious to one of ordinary skill in the networking art at the time the applicant's invention was made to combine Chen's teachings of device status determination based on its identification information in the service database with teachings of Oommen, for the purpose of enabling a network to detect when a subscriber changes phones and uses the same subscriber identification (SIM) card as well as a subscriber using someone else's SIM card in their mobile handset **(see Chen, Page1, ¶0008)**. Oommen provides motivation to do so, by facilitating retrieval of mobile device configuration or capabilities **(see Oommen, ¶0002)**.

43. Regarding **Claim 7**, Oommen as applied to claim 1 above substantially discloses the invention as claimed. However Oommen does not explicitly teach: extracting a subscriber identifier from the message; applying the subscriber identifier to identify subscriber services; and applying permissions for access to the subscriber services by the subscriber according to the device status.

44. In the same field of endeavor, Chen teaches, **(Fig. 7, 714, ¶0057) extracting the Subscriber Information from the message received (Fig. 6, ¶0047) a server registering the mobile device according to the received information corresponding to the Subscriber identification (IMSI) and device information (IMEI).**

45. It would have been obvious to one of ordinary skill in the networking art at the time the applicant's invention was made to combine Chen's teachings of registering a mobile device according to the received Information corresponding to the extracted Subscriber Identification (IMSI) and (IMEI) with teachings of Oommen, for the purpose of enabling a network to detect when a subscriber changes phones and uses the same subscriber identification (SIM) card as well as a subscriber using someone else's SIM card in their mobile handset **(see Chen, Page1, ¶0008)**. Oommen provides motivation to do so, by facilitating retrieval of mobile device configuration or capabilities **(see Oommen, ¶0002)**.



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46. Regarding **Claim 8**, Oommen and Chen as applied to claim 7 above substantially disclose the invention as claimed. Chen further discloses: extracting at least one of an International Mobile Subscriber Identity and an Integrated Circuit Card ID from the **(Fig, 7, 714, ¶0057) extracting the Subscriber Information from the message received message (IMSI).**

47. Regarding **Claim 9**, Oommen and Chen as applied to claim 7 above substantially disclose the invention as claimed. Chen further discloses: applying the subscriber identifier to locate subscriber information **(Fig. 6, ¶0047) a server registering the mobile device according to the received information corresponding to the Subscriber identification (IMSI) and device information (IMEI).**

48. Regarding **Claim 13**, Oommen as applied to claim 10 above substantially disclose the invention as claimed. However Oommen does not disclose logic to cause the applying of the device identifier to a deny database to determine the device status

49. In the same field of endeavor, Chen teaches **(Fig. 5, 525 ¶0057) the device status is determined based on its identification and the information in service database**

50. It would have been obvious to one of ordinary skill in the networking art at the time the applicant's invention was made to combine Chen's teachings of device status

determination based on its identification information and the information in the service database with teachings of Oommen, for the purpose of enabling a network to detect when a subscriber changes phones and uses the same subscriber identification (SIM) card as well as a subscriber using someone else's SIM card in their mobile handset **(see Chen, Page1, ¶0008)**. Oommen provides motivation to do so, by facilitating retrieval of mobile device configuration or capabilities **(see Oommen, ¶0002)**.

51. Regarding **Claim 16**, Oommen as applied to claim 10 above substantially disclose the invention as claimed. However Oommen does not discloses logic to cause the extracting of a subscriber identifier from the message, the applying of the subscriber identifier to identify subscriber services, and the applying of permissions to the subscriber services according to the device status.

52. In the same field of endeavor, Chen teaches **(Fig, 7, 714, ¶0057) extracting the Subscriber Information from the message received, (Fig 6, ¶0047) subscriber registration and subscriber services are identified based on association of the IMSI and the service database IMEI is used to determine the status of the device in conjunction with the service database.**

53. It would have been obvious to one of ordinary skill in the networking art at the time the applicant's invention was made to combine Chen's teachings of extraction of the Subscriber information and device information for the purpose of device status and

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subscriber service determination in association with the database with teachings of Oommen, for the purpose of enabling a network to detect when a subscriber changes phones and uses the same subscriber identification (SIM) card as well as a subscriber using someone else's SIM card in their mobile handset (**see Chen, Page1, ¶0008**).

Oommen provides motivation to do so, by facilitating retrieval of mobile device configuration or capabilities (**see Oommen, ¶0002**).

54. Regarding **Claim 17**, Oommen and Chen as applied to claim 16 above substantially disclose the invention as claimed. Chen further discloses: subscriber identifier is at least one of International Mobile Subscriber Identity and Integrated Circuit Card ID (**Fig. 7, 714, ¶0057**) **extracting the Subscriber Information from the message received message (IMSI)**.

55. Regarding **Claim 18**, Oommen and Chen as applied to claim 16 above substantially disclose the invention as claimed. Chen further discloses: logic to cause the applying of the device identifier to a deny database to determine the device status (**Fig. 6, ¶0047**) **a server registering the mobile device according to the received information corresponding to the device information (IMEI) in association with the database**.

***Claim Rejections - 35 USC § 103***

56. **Claims 5, 6, 14, 15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Oommen in view of Corrigan et al. (US PG Pub. No. 2002/0187775) hereafter "Corrigan".

57. Regarding **Claim 5**, Oommen as applied to claim 1 above substantially discloses the invention as claimed. However Oommen does not explicitly teach: receiving the message via a Short Message Peer to Peer interface.

58. In the same field of endeavor, Corrigan teaches, **(Page 7 ¶0178, lines 6-11) utilizing the Short Message Peer to Peer interface for reception of the Short Message Service.**

59. It would have been obvious to one of ordinary skill in the networking art at the time the applicant's invention was made to combine Corrigan's teachings of reception of the SMS via the Short Message Peer to Peer interface with teachings of Oommen, for Optimal delivery of services over various bearers **(see Corrigan, Page1, ¶0013)**. Oommen provides motivation to do so, by facilitating retrieval of mobile device configuration or capabilities **(see Oommen, ¶0002)**.

60. Regarding **Claim 6**, Oommen as applied to claim 1 above substantially discloses the invention as claimed. However Oommen does not explicitly teach: communicating the device status to a customer care facility.

61. In the same field of endeavor, Corrigan teaches, **(Page 3 ¶0072) the portal provides customer care personnel access to provisioning database.**

62. It would have been obvious to one of ordinary skill in the networking art at the time the applicant's invention was made to combine Corrigan's teachings of the portal providing customer care personnel with access to provisioning database with teachings of Oommen, for Optimal delivery of services over various bearers **(see Corrigan, Page1, ¶0013)**. Oommen provides motivation to do so, by facilitating retrieval of mobile device configuration or capabilities **(see Oommen, ¶0002)**.

63. Regarding **Claim 14**, Oommen and Corrigan as applied to claim 10 above substantially disclose the invention as claimed. Corrigan further discloses logic to cause the receiving of the message via a Short Message Peer to Peer interface **(Page 7 ¶0178, lines 6-11) utilizing the Short Message Peer to Peer interface for reception of the Short Message Service.**

64. Regarding **Claim 15**, Oommen and Corrigan as applied to claim 10 above substantially disclose the invention as claimed. Corrigan further discloses logic to cause

the communicating of device status to a customer care facility (**Page 3 ¶0072**) the **portal provides customer care personnel access to provisioning database.**

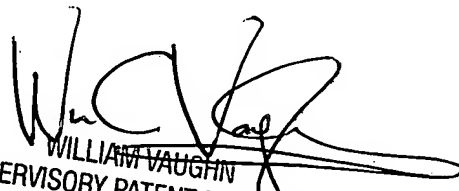
### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please refer to form PTO-892 (Notice of Reference Cited) for a list of relevant prior art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saeed S. Mirzadegan whose telephone number is 571-270-3044. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
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SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100